

5000 DT19 PCT/PTO 29 OCT 2002 #7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

REINDL et al.

Serial No. 09/762,045

Filed: February 1, 2001



Box PCT

For: DNA SEQUENCE CODING FOR A 1-DEOXY-3-XYLULOSE-5-PHOSPHATE SYNTHASE AND OVERPRODUCTION THEREOF IN PLANTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

Date of Deposit	October 29, 2002
Person Making Deposit	Herbert B. Keil
Signature	<i>Herbert B. Keil</i>
Date of Signature	October 29, 2002

Honorable Comm'r. of Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir:

In response to the Notification of Defective Response dated October 18, 2002, a copy of the Sequence Listing in computer readable form is attached hereto. The content of the paper copy of the Sequence Listing and the copy of the Sequence Listing in computer readable form is the same, and includes new matter.

IN THE SPECIFICATION

Delete the sequence listing in the specification and replace with the replacement sequence listing on pages 1-24.

REMARKS

Sequence Listing

It is believed that by submitting the present amendment and sequence listing diskette, the application now fully complies with the requirements of 37 CFR 1.821-1.825. Favorable action by the examiner is solicited.

Claim fees/English translation surcharge

As stated in applicants' previous reply mailed September 10, 2001, **all English translations of all documents were filed with the present national stage application on April 1, 2001, so no further processing fee for any late translation is due. The additional claim fee of \$432.00 is also not due in view of the following.**

The claims in the application are claims 1-22 as amended by the Preliminary Amendment filed with this national stage application (copy attached) which amends the claims as amended in the International Stage (copy attached of "Amended Sheets", which is the English translation of the amended claims attached to Form PCT/IPEA/409). The Notification of Defective Response of October 18, 2002, is **completely in error regarding all of the claim fees, as well as the processing fee for late English documents.** There have always been only 22 claims in the application, whether you are looking at the originally filed claims or the "amended sheets." The indication of \$162.00 due for 11 claims over 20 is completely wrong now, and could never have been correct in view of the above statement. There are 18 independent claims (claims 1-16, 20 and 22). Claims 17 and 18 were multiple

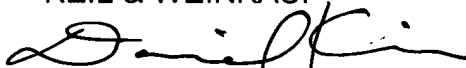
dependent claims, but the Preliminary Amendment filed with this national stage application on February 1, 2001, removed such multiple dependencies. The fees for two claims over 20 (\$36.00) and 15 independent claims over 3 (\$1,200.00) were paid with the filing of the present national stage application (check for \$2,136.00 paid along with the filing of the present national stage application, which check cleared on February 6, 2001 -- a copy of this check can be requested from our bank if desired, however, it is believed that the USPTO's records will reflect same).

If the US PTO has misplaced any of the above documents, it is not the fault of applicants, and applicants can no be held responsible for any resulting fees.

FOR CLARIFICATION OF THE RECORD, ATTACHED HERETO IS A CLEAN SET OF CLAIMS FOR FURTHER PROSECUTION IN THE U.S.

It is believed that in view of the above, no further fees are due. It is also requested that this application be assigned to an examiner for examination in turn.

Respectfully submitted,
KEIL & WEINKAUF



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DSK/kas

Rec'd PCT/PTO 29 OCT 2002 #7

February 1, 2001

REINDL et al.

871/000006

New PCT Application, executed declaration, assignment
recordation request, preliminary amendment and check
for \$2136.00 for filing fees

PLEASE HOLD FOR SERIAL NUMBER AND FILING FEES

526 Rec'd PCT/PTO 01 FEB 2001

09/762045

11-18



UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PTO

29 OCT 2002

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 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/762,045	Andrea Reindl	817/000006

INTERNATIONAL APPLICATION NO.

PCT/EP99/05467

LA. FILING DATE	PRIORITY DATE
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07/30/1999

08/05/1998

 Keil & Weinkauff
 1101 Connecticut Avenue NW
 Washington, DC 20036

RECEIVED

OCT 22 2002

KEIL & WEINKAUF

CONFIRMATION NO. 7926

371 FORMALITIES LETTER



OC000000008970311

Date Mailed: 10/18/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

Applicant's response filed 09/17/2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/27/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 30 months from the priority date (37 CFR 1.492(f)).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - See attached Raw Sequence Listing Error Report. The diskette does not comply a corrected diskette is needed.
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- Additional claim fees of **\$432** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$562** for a Large Entity:

- **\$130** for English translation surcharge required.
- Total additional claim fee(s) for this application is **\$432**
 - **\$162** for 11 total claims over 20.
 - **\$270** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9116

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/762,045	PCT/EP99/05467	817/000006